

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5945 of 2023

Arising Out of PS. Case No.-678 Year-2022 Thana- BIHTA District- Patna

SUNIL RAI @ SUNIL KUMAR Son of Paras Pati Rai @ Paras Pati Nath
Singh Resident of village - Amnabad, P.S.- Bihta, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Usha Kumari Singh,Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-05-2023 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bihta P.S. Case No. 678 of 2022 registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code and 27 of the Arms Act.

The case of the prosecution, in brief, is that on 13.07.2022, the son of the informant along with the husband of the informant had gone in the diyara area to search for their buffaloes, where they found the accused persons, variously armed to be present there and upon seeing the husband of the informant, the co-accused persons namely, Sri Rai, Mandeep Rai and Amir Rai had fired gun shots on the head of



the informant, resulting in his death.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner has not been alleged to have fired any gun shot upon the deceased and a general and omnibus allegation has been levelled, hence he be granted the privilege of bail. It is also submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail vide orders dated 23.02.2023, 06.04.2023, 12.04.2023 and 21.04.2023, passed in Cr. Misc. No.61696 of 2022, Cr. Misc. No. 3530 of 2023, Cr. Misc. No.61535 of 2022 and Cr. Misc. No.74422 of 2022 respectively, by co-ordinate Benches of this Court.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted the privilege of bail by co-ordinate Benches of this Court, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Danapur in connection with Bihta P.S. Case No. 678 of 2022 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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